



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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February 15, 2008
AO-08-01

Representative Carl M. Sciortino, Jr.
State House – Room 23
Boston, MA 02133-1054

RE: Creation of constituent service website

Dear Representative Sciortino:

This letter is in response to your January 17 request for an advisory opinion.

You have stated that you, along with the other members of Somerville's legislative delegation, would like to create a constituent service website. The purpose of the website would be to provide residents of Somerville with a single resource where they can find information from their representatives and senators.

The website (tentatively somerlivedelegation.com) would include the following information:

- Contact information for individual legislators, including:
 - State House address, phone number, and email address.
 - District office address and phone number.
 - Office hours held in district.
 - A form by which users of the site could email members of the delegation.
- Web resources for constituents, including:
 - Local government web pages.
 - State government web pages.
 - Non-profit and organization web pages, including organizations that may do business with, receive funding from, or lobby the legislature.
- Information on legislative activity, including:
 - Legislative activity, such as passage (or non-passage) of bills.
 - Local aid, budget earmarks, and grants secured for Somerville interests.
 - Information on state and local hearings, meetings, and events (excluding any campaign-related events).



- District information, including:
 - Maps of legislative districts within the city of Somerville.
 - Link to the Secretary of the Commonwealth's website, www.wheredoivotema.com where individuals can find their state and federal elected officials.

The information on the website will not include:

- Any campaign-related information, including but not limited to:
 - Contact information for any campaign office.
 - Links to campaign websites or email addresses.
 - Appeals for donations, campaign volunteers, or votes.
 - Discussion of any campaign-related events, future or past.

You have also stated that the information contained in the website shall be agreed upon by all members of the delegation in advance of its publication and promotion. Any updates shall also be approved by all members of the delegation. The members of the legislative delegation shall share the financial cost of registering the domain name and hosting the website.

The creation and maintenance of the site will require the use of state and personal computer equipment and software. The site will be created and maintained by state employees on state and personal time.

QUESTIONS

1. May state resources, including personnel and computers, be used to implement and maintain the website?

Response: Yes. The use of public resources to create a website containing the described content would not be for the purpose of supporting or opposing a candidate or candidates, a political party, a ballot question, or other political committee, or otherwise to influence an election.

2. May campaign funds, personal funds, and the monthly stipend provided to legislators, be used to pay costs associated with domain registration and hosting?

Response: Yes. Campaign funds may be used if the expenditure is disclosed on the campaign finance reports filed by the candidate or his committee. In addition, for expenses not paid with campaign funds, the campaign finance law would allow the use of either personal funds or the monthly stipend.

3. May links be included on the website to non-governmental entities, including non-profits and organizations that may receive funding from, have business before, or lobby the legislature?

Response: Yes. Including such links would not raise an issue under the campaign finance law.

4. May election information, including the following items, be included on the website?
- Dates of upcoming elections.
 - Lists, or links to lists, of polling locations.
 - Information regarding voter registration.

Response: Yes. This information may also be included on the website.

DISCUSSION

The campaign finance law prohibits the use of public resources for a political purpose. *See Anderson v. City of Boston*, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979). Nothing in your proposal suggests that the website would be used for that purpose. The website would not solicit political contributions, votes, or volunteers, or advocate for or against a candidate, party or ballot question. The purpose of the website would instead appear to relate to activities that serve a governmental purpose, and the use of public resources to design, implement and maintain such a website would not violate the campaign finance law.

Alternatively, the campaign finance law allows campaign funds to be used to make expenditures "for the enhancement of the political future of the candidate" including expenditures relating to the provision of constituent or legislative services, but only if "said expenses are not otherwise paid, provided or reimbursed by the Commonwealth or any other governmental body." *See M.G.L. c. 55, § 6*. Therefore, if costs associated with the website are not paid by the Commonwealth or another governmental body, they may be paid for using campaign funds. Also, there would be no prohibition on personal funds being used for such purpose.

The campaign finance law does not restrict the use of the stipend legislators receive under M.G.L. c. 3, § 9B. This opinion is limited to providing guidance under the campaign finance law, and should not be construed as providing guidance regarding the permitted use of stipends under c. 3, § 9B.

The proposed links from a website that may be paid for using public resources to non-governmental entities would not raise an issue under the campaign finance law because the links would not be to websites that advocate for or against a candidate, party or ballot question, or to websites that solicit political contributions, votes, or volunteers, for such purposes.

Finally, there is nothing in the statute that would prevent your including election information such as the dates of upcoming elections, polling locations, and information regarding voter registration, on the website.

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This opinion is issued solely within the context of the Massachusetts campaign finance law and is based on the representations made in your letter. You might want to contact the State Ethics Commission regarding the extent to which links may be provided to entities that receive funding from, have business before, or lobby the legislature.

Please contact us if you have further questions regarding the campaign finance law.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Sullivan", with a long, sweeping horizontal line extending to the right.

Michael J. Sullivan
Director

MJS/gb